IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3896 OF 2004

Bharat Maruti Wanjale ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. N.P. Deshpande, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

24th September 2004

P.C.:

. Heard Counsel for the parties. The only incriminating evidence against the Applicant pressed into service on behalf of the prosecution is that the Bullet Motor Cycle which was used in the commission of the offence is owned by the Applicant. The learned A.P.P. fairly accepts that no other material is available on record to implicate the Applicant in the actual commission of the offence. The trial Court has referred to

additional circumstance that the Applicant was in constant touch with the main accused at or about the actual time of incident on his mobile handset. However, the learned A.P.P. fairly accepts that there is no record to establish that position. If it is so, the Applicant deserves to be enlarged on bail on the following conditions.

a) Applicant be released on bail in connection with CR.No. 82/2004 registered at Vishram Bag Police Station on executing personal bond in the sum of Rs.25,000/- with two local sureties in the like amount.

b) The Applicant shall extend full co-operation for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for the delay of the proceedings, that can be a ground for cancellation of bail.

c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

d) The Applicant shall report to the concerned Police Station on first Saturday of every month during the pendency of the trial between 10 a.m. to 12 p.m. or on such date and time, as may be required by the Investigating Officer or to be directed by the trial Court.

. Application disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)